

PROB 12C  
(7/93)

Report Date: October 5, 2011

**United States District Court**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

OCT 05 2011

**Eastern District of Washington**JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: William Lister

Case Number: 2:10CR02129-001

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Chief U. S. District Judge

Date of Original Sentence: 3/15/2011

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 132 Days;  
TSR - 24 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Gregory M. Shogren

Date Supervision Commenced: 3/18/2011

Defense Attorney: Rick Lee Hoffman

Date Supervision Expires: 3/17/2013

---

**PETITIONING THE COURT**

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on July 14, 2011, and August 18, 2011.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

5

**Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.**Supporting Evidence:** Mr. Lister is alleged to have harassed his girlfriend on September 30, 2011.

On September 30, 2011, the defendant's ex-girlfriend reported to the probation office and asked to speak with a probation officer. U.S. Probation Officer Moon assisted her. She asked how to obtain a restraining order. She indicated she and the defendant were no longer together and he was threatening her via telephone and text messaging. She advised she lives with her mother and she is concerned he will try to harm them. She related she plans on moving out of state in a couple of weeks, but was concerned about her mother. She was instructed to go to the superior court clerk's office and file a restraining order. She was also asked to write down what occurred and to call U.S. Probation Officer Zepeda on Monday morning.

Prob12C

Re: Lister, William

October 5, 2011

Page 2

While in the office, she played voice messages she saved on her cell phone regarding calls from the defendant. In the second message, Mr. Lister threatened to assault her if their paths cross. She was asked to play the voice messages a second time and the messages were recorded onto a Dictaphone for transcription.

The recordings are as follow:

First recording: *Now let me tell you the fucking trouble, you fucking puke 952 6212, Fucking stupid bitch.*

Second recording: *You'll get yours you fucking piece of shit. You watch, mark my fucking words you fucking mother fucking bitch. Don't ever cross my fucking path again. I'll beat your fucking ass for you fucking puke.*

Third recording: *You are the worst mother fucking thing that has ever happened to me man. You're the fucking epitome of the - worst fucking girlfriend that has ever been man. You are fucking a strange fucking duck man. You're a fucking cry baby little fucking kid. You're such a fucking bitch I swear to God man you will get yours mother fucker. You're fucking you know what time let you touch my feelings and emotions man. You fucking lying, fucking piece of shit. You can't tell me you ain't been out fucking other mother fuckers either if you fucking lying bitch.*

Fourth recording: *Fucking. Mark my fucking words. What I'd do you should probable change your fucking number too. I'll send you some of the most fucked up pictures you have ever seen in your fucking life Bitch. Peace as you would so say fucking cunt.*

The defendant's ex-girlfriend called Officer Moon at approximately 4:25 p.m. and advised superior court was closed, and she could not file for a restraining order. She indicated Mr. Lister continued to call her. During this call, she advised the defendant was again calling her and she set up a three-way conversation between herself, the defendant and Officer Moon. When she answered the defendant's call, Mr. Lister started to say a few things to her and Officer Moon interrupted and identified himself.

When confronted, Mr. Lister denied being William Lister, however, the ex-girlfriend identified him. The defendant was instructed several times to stop calling his ex-girlfriend, however, Mr. Lister kept discounting Officer Moon. Officer Moon instructed the defendant not to contact the ex-girlfriend after this call or it would be considered a violation. Further, Mr. Lister was told to call Officer Zepeda on Monday.

The defendant's ex-girlfriend called back immediately and confirmed it was Mr. Lister on the telephone. She was encouraged to contact the Yakima Police Department and request to file a police report as she was not able to file for a restraining order until Monday.

6

**Court Order:** Defendant's supervised release conditions, pending the November 17<sup>th</sup> hearing, are modified to include five (5) hours of community service per week during the sixty (60) day period of continuance for any week during which the defendant is not working a full time forty (40) hours or participating in inpatient treatment.

Prob12C

Re: Lister, William

October 5, 2011

Page 3

**Supporting Evidence:** Mr. Lister failed to perform his community service hours at the Habitat for Humanity Yakima Valley Restore (Restore) as directed on October 1, 2011.

On September 29, 2011, arrangements were made for Mr. Lister to perform 5 hours of community service at the Restore on October 1, 2011. According to staff at the store, Mr. Lister was a no call/no show.

7

**Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** Mr. Lister failed to report to the U.S. Probation Office as directed on October 3, 2011.

On September 30, 2011, Mr. Lister was directed to contact his probation officer on October 3, 2011. A text message was also sent to the defendant directing him to report to the U.S. Probation Office on October 3, 2011. Mr. Lister failed to contact his probation officer and also failed to report to the probation office as directed.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/05/2011

s/Jose Zepeda

Jose Zepeda  
U.S. Probation Officer

---

#### THE COURT ORDERS

- ☐ No Action  
☒ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.  
☐ Other



Signature of Judicial Officer

October 5, 2011

Date